

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI**

DONALD DAVIS,)
)
Plaintiff,)
) **Case No. 4:20-cv-00853-FJG**
v.)
)
AMERICAN FAMILY MUTUAL)
INSURANCE COMPANY, S.I.,)
)
Defendant.)

NOTICE OF REMOVAL

COMES NOW Defendant American Family Mutual Insurance Co., S.I., by and through the undersigned counsel, and files this Notice of Removal of the above captioned action to the United States District Court for the Western District of Missouri, pursuant to 28 U.S.C. §§ 1332, 1441, and 1446 and the grounds therefore are hereby stated as follows:

1. On May 27, 2020, Plaintiff filed a Petition in the Circuit Court of Jackson County, Missouri at Kansas City, naming as defendant American Family Mutual Insurance Co., S.I. (See Exhibit A). The nature of the dispute between Plaintiff and Defendant concerns Plaintiff's claim against Defendant for uninsured motorist benefits related to an automobile accident that occurred on August 25, 2018.
2. Plaintiff served his Petition on Defendant on September 28, 2020.
3. Plaintiff alleges breach of contract and vexatious refusal by Defendant.
4. Complete diversity of jurisdiction exists and removal of this matter to the United States District Court for the Western District of Missouri would be proper pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

- a. At all relevant times, Plaintiff is and has been a resident of the State of Missouri.
- b. At all relevant times, Defendant American Family Mutual Insurance Co., S.I. is and has been incorporated in the State of Wisconsin and has maintained its principal place of business at 6000 American Parkway, Madison, Wisconsin.
- c. The matter in controversy, exclusive of interest and costs, exceeds \$75,000.00 in that Plaintiff's Petition claims that Defendant breached its contract with Plaintiff, has alleged vexatious refusal, and is seeking attorney's fees.

5. This Notice of Removal has been filed within 30 days of service on Defendant of Plaintiff's Petition setting forth the claims which it seeks to remove and, therefore, this Notice of Removal has been timely filed pursuant to 28 U.S. § 1446.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of Court using the CM/ECF system, which will send notification of such filing to all parties/attorneys of record, and a copy was e-mailed to Adam R. Moore, email: adam@moorelawkc.com, Attorney for Plaintiff, this 23rd day of October, 2020.



BRANDON A. LAWSON